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March 23, 2005

Ruthann Bryant
Confidential Secretary
Public Disclosure Commission
711 Capitol Way, Rm. 206
Olympia, WA 98503-0908

VIA EMAIL AND FACSIMILE TO (360) 753-1112

RE: PDC v. Bivins, Westlake and James – Case No. 02-286 - Witness List and Declarations

Dear Ms. Bryant:

The following are the persons I anticipate needing to call as witnesses on the issues I am addressing regarding Don Bivins and Marilyn Westlake, along with a brief description of the subject matter of their testimony.

This list is based on my current assumption at the time of this writing that declarations will not be acceptable to Ms. Dalton and/or the Commission and that live testimony will be required.

1. Don Bivins – Vancouver Fire Chief – Bivins Allegations 1, 2, and 8 from Notice of Administrative Charges.
2. Marilyn Westlake – Vancouver Fire Department Public Education Coordinator – Westlake Allegations 3-7 from Notice of Administrative Charges.
3. Marty James (unlikely I will call if already called by Ms. Dalton, Mr. Wolfe or Mr. Burke) – Bivins Allegation 1, Westlake Allegation 2 and James Allegation 1 from Notice of Administrative Charges. (Newsletters and FAQ).
4. Pat McDonnell – Vancouver City Manager - Business Planning Process/Post election implementation of Plan (Bivins Allegations 1 and 2 and Westlake Allegation 2 from Notice of Administrative Charges.)
5. Betsy Williams, Deputy City Manager (Possible alternate to Mr. McDonnell)
6. Tom Nosack – City of Vancouver Performance Analyst (Possible alternate to Mr. McDonnell)

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7. Jim Demmon – Cable Television Manager, City of Vancouver/Clark County – Bivins Allegation 8 from Notice of Administrative Charges. (EMS video footage).
8. Jim Crawford – Vancouver Fire Marshall – Bivins Allegation 1 and Westlake Allegation 2 from Notice of Administrative Charges. (Why only one Lifeline has been issued post-election.)
9. Jeff Williams – Campaign media consultant – Bivins Allegation 8 (Public disclosure request for EMS footage). Kathryn Pruder – Portland Fire Bureau (Planning for Lifeline)
10. Carrie Lewellen – City Treasurer – Bivins Allegation 1 and Westlake Allegation 2 (Possible alternate to Mr. McDonnell on post-election implementation of Plan)
11. Kathryn Pruder – Portland Fire Bureau – Bivins Allegation 1 and Westlake Allegation 2 (Re: Early planning for Lifeline).

I need to reserve the option to call Suemary Trobaugh and Phillip Stutzman, assuming that they are not called by Ms. Dalton during the PDC case-in-chief.

As for declarations, Ms. Leiker, our Legal Secretary, has tried without success to scan what I have. The text comes out unreadable, apparently due to the line numbering on the pleading paper.

I will therefore email the following to you:

- Declaration of Jim Crawford, Vancouver Fire Marshall. I will also fax the Declaration to you, as we have not been able to scan it in.
- Proposed Declaration of Kathryn Pruder, Portland Fire Bureau. Ms. Pruder needs to obtain authorization to execute the Declaration, and I will fax a signed Declaration to you in the event that she is able to obtain the authorization.

In addition, I had intended to file a Declaration from Mr. McDonnell, pending the Commission Chair's decision later today on whether declarations are admissible, but Mr. McDonnell is unavailable to sign it today due to illness. However, Ms. Dalton has indicated that she intends to submit as the entire Investigative Record in this matter as an exhibit.

My proposed Declaration from him addressed the Business Plan and was largely a paraphrase of his April 23, 2002 Interview under oath with Suemary Trobaugh, which is PDC/BWJ 00-311 – 332 of the Investigative Record.

I would therefore request that Mr. McDonnell's April 23, 2002, Interview be treated as a Declaration.

Please contact me if you have questions about this letter.

Sincerely,

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